

In re Patent Application of:
FLICK
Serial No. 09/934,997
Filing Date: **AUGUST 22, 2001**

REMARKS

Applicant would like to thank the Examiner for the thorough examination of the present application. Claims 33-64 have been canceled without prejudice to Applicant's right to file a divisional application directed to the subject matter thereof. Independent claims 1, 12, 18, and 23 have been amended to more clearly define the invention over the cited references. New independent Claim 65 represents allowed Claim 3 rewritten in independent form. Accordingly Claim 65 and its dependent claims are patentable and require no further discussion herein. Claims 1-32 are patentable for the reasons presented in detail below.

I. The Claimed Invention

Amended independent Claim 1, for example, is directed to a vehicle remote control system to be operated directly via a cellular telephone comprising a cellular telephone transmitter for transmitting cellular telephone signals via the cellular communications infrastructure and for alternately transmitting signals relating to a command code entered from the input device and a unique identification code for the cellular telephone. Moreover, the claim further recites a receiver positioned at the vehicle for receiving signals directly from the cellular telephone transmitter that is alternately used for transmitting cellular telephone signals via the cellular telephone infrastructure but without using intervening cellular communications infrastructure.

In other words, the claim has been amended to recite that the cellular transmitter that operates via the cellular

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infrastructure is the same transmitter used for controlling the vehicle function. Independent Claims 12, 18, and 23 have been similarly amended.

II. Claims 1-32 Are Patentable

The Examiner rejected Claims 1-32 as being unpatentable over Pinzon in view of Christenson. The Pinzon patent discloses a remote door locking/unlocking system as explained at col. 5, lines 9-15:

"a locking/unlocking command may originate from any device with access to a telephone network, including a wireless telephone handset 8, wired telephone 9, or computer 10, and also from a line-of-sight optical or short range radio frequency transmitters 11,12 carried by the user or integrated into a portable telephone handset."

Pinzon therefore has a two main configurations of interest. The door can be opened by a phone handset using the cellular telephone infrastructure, or the door can be opened by a line-of-sight optical or short range radio frequency transmitter integrated into a portable telephone handset.

In contrast, Applicant's amended Claim 1, for example, recites a cellular telephone comprising a cellular telephone transmitter for transmitting cellular telephone signals via the cellular communications infrastructure and for alternately transmitting signals relating to a command code entered from the input device and a unique identification code for the cellular telephone. The claim also recites a receiver positioned at the vehicle for receiving signals directly from the cellular telephone transmitter that is alternately used for transmitting cellular telephone signals via the cellular

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telephone infrastructure but without using intervening cellular communications infrastructure. Independent Claims 12, 18, and 23 include similar recitations not found in Pinzon.

Christenson is cited for the teaching of learning a code from a remote transmitter. Christenson fails to supply the noted deficiency of Pinzon. Accordingly, independent Claims 1, 12, 18, and 23 are patentable. Their dependent claims, that recite yet further distinguishing features of the invention, are also patentable and require no further discussion herein.

CONCLUSION

In view of the amendments to the claims and the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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